

REMARKS

Upon entry of the present Response, claims 1, 2, and 4-9 remain pending.

Initially, Applicant would like to thank the Examiner for indicating the allowability of claim 7, if rewritten into independent form to include all of the features of the base claim and any intervening claims.

In the outstanding Office Action, claims 1-2 and 8-9 were rejected under 35 U.S.C. §103(a) as being unpatentable over YAMAZOE et al. (EP 1014688) in view of TSUCHIYA et al. (U.S. 2002/0047911). Claims 4-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over YAMAZOE et al. in view of TSUCHIYA et al. as applied to claim 1 and further in view of GREGGAIN (U.S. Patent No. 5,602,599). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over YAMAZOE et al. and TSUCHIYA et al. in view of GREGGAIN, and further in view of ISONO et al. (U.S. Patent No. 6,873,348). Claim 7 was objected to as being dependent upon a rejected base claim, but was otherwise indicated to be allowable if rewritten into independent form to include all of the features of the base claim and any intervening claims. Applicant traverses the rejections under 35 U.S.C. §103.

Claim 1 recites, *inter alia*, wherein said image altering process includes filtering processes, recursively performed a plurality of times, in which both a low-pass filter and an edge-enhancement filter are used to filter said luminance components. Claims 8 and 9 recite a similar combination of features.

YAMAZOE et al. appears to disclose generation of a luminance histogram, as well as an edge-enhancement filter and a filtering process after luminance/chromaticity conversion. However, as the Examiner correctly admitted on page 4 of the Office Action, YAMAZOE et al. does not disclose that the filtering processes are recursively performed a plurality of times.

Instead, the Examiner relied upon TSUCHIYA et al. in an attempt to compensate for the deficiencies of YAMAZOE et al.

In this regard, the Examiner asserted in the Office Action that TSUCHIYA et al. teaches the concept of recursively filtering the image data a plurality of times in which the filtering process comprises low-pass filtering and edge enhancement filtering. This assertion is incorrect.

Whereas TSUCHIYA et al. appears to disclose recursively performing a low-pass filtering process, this recursive filtering process is performed only to compress a dynamic range of signals, and not for edge-enhancement. As disclosed in paragraph 0012 of TSUCHIYA et al., a pixel value of an input image is smoothed while preserving an edge of the input image to obtain a gain correction coefficient.

Further in this regard, TSUCHIYA et al. discloses at paragraph 0040 that the non-linear smoothing unit 2 performs only the smoothing processing of components having small amplitudes and does not perform the smoothing processing of edge components which may have large amplitudes. Consequently, the non-linear smoothing unit 2 smooths the pixel value ( $i,j$ ) of the input image  $X$  while preserving the edge to take out only the component determining the dynamic range of the image  $X$  separately. As discussed in the specification of the present application at page 14, lines 5-20, the pixel value of an outline portion of objects or features is increased toward black by virtue of the edge enhancement filter. In contrast, the filtering process of TSUCHIYA et al. does not recursively use an edge enhancement filter, as recited in claim 1 of the present application. Claims 8 and 9 of the present application are allowable for at least similar reasons.

Further, by performing the smoothing processing while preserving the edge, TSUCHIYA et al. teaches away from the claimed image altering process. Moreover, the teachings of

YAMAZOE et al. and TSUCHIYA et al. are contradictory in this regard, such that it would be unobvious and thus improper to propose the combination; *i.e.*, it is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F. 2d 731, 743, 218 USPQ 769,779 (Fed. Cir. 1983). The Supreme Court, in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 127 S. Ct. 1727, 82 USPQ2d 1385 (2007), supported this proposition.

Accordingly, YAMAZOE et al. and TSUCHIYA et al., either individually or in any proper combination fail to disclose the combination of features recited in the present application. Therefore, independent claims 1, 8 and 9 are allowable. Further, dependent claims 2 and 4-7 are allowable at least for depending, directly or indirectly, from an allowable independent claim 1, as well as for additional reasons related to their own recitations. Accordingly, reconsideration and withdrawal of the outstanding Office Action is respectfully requested.

Lastly, Applicant would like to thank the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, as well as receipt of a certified copy of the priority documents upon which the claim for foreign priority is based. Applicant would also like to thank the Examiner for indicating the acceptability of the drawings filed with the present application on February 11, 2004. Applicant would additionally like to thank the Examiner for attaching the Notice of References cited.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
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**John V. Mazzola**  
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A handwritten signature in black ink, appearing to read "JHB", followed by the date "8/13/08".

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August 12, 2008  
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